

California Regional Water Quality Control Board
Santa Ana Region

June 4, 2004

ITEM: 15

SUBJECT: Status of Efforts to Require Suspected Dischargers to Investigate
Perchlorate Pollution in the Rialto, Colton and Chino Groundwater
Subbasins

DISCUSSION:

In the Staff Report for the April 30, 2004 Board meeting, Board staff reported that, pursuant to Section 13267 of the California Water Code, the Executive Officer had issued a total of twenty-one Investigation Orders and one Cleanup and Abatement Order to suspected dischargers and property owners regarding the perchlorate pollution in the Rialto, Colton and Chino Groundwater Subbasins.

Identified below is the status of the investigations for those suspected dischargers that have conducted activities or communicated with staff since the last Board meeting:

Pyro Spectaculars, Inc. (Pyro), Whittaker Corporation (Whittaker) and Thomas O. Peters/Thomas O. Peters Revocable Trust (Peters)

The Board adopted Cleanup and Abatement Order (CAO) No. R8-2004-0042 at the April 30, 2004 meeting. Pursuant to the CAO, and a delegation of authority from the Executive Officer, the Assistant Executive Officer has sent a letter requesting a work plan for a site investigation by Pyro, Whittaker and Peters at the 5-acre property. The work plan(s) must be submitted by June 25, 2004.

A separate work plan submitted by Pyro for the investigation of its former burn pit site (not located on the 5-acre property) was conditionally approved by the Executive Officer on April 8, 2004. The final report is due June 14, 2004.

Mr. Wong Chung Ming, Property Owner

On April 20, 2004, Mr. Wong submitted a report of the soil investigation for perchlorate at his 50-acre property (currently occupied by Pyro Spectaculars, Inc. and American Promotional Events – West, Inc.). Staff has reviewed the report and is preparing comments.

County of San Bernardino

Pursuant to the Regional Board's January 2003 Cleanup and Abatement Order, the County of San Bernardino is implementing its work plan and is currently installing six additional groundwater monitoring wells. The County is providing data from the new monitoring wells as the data are generated. A final report of this phase of the investigation is due by September 13, 2004.

Zambelli Fireworks

Zambelli submitted a report of soil investigation for perchlorate at the site of former Bunker A-1 on April 3, 2004. Staff has reviewed the report; no perchlorate was detected in the soil at the bunker site. Board staff is not requesting any further action from Zambelli regarding Bunker A-1 at this time.

Goodrich Corporation

Goodrich has commenced field activities at its former B.F. Goodrich facility, under the direction of U.S. EPA. The field work is to include a soil gas investigation and limited soil trenching and sampling, and installation of four permanent groundwater monitoring wells. Regional Board staff will assist EPA staff in overseeing the investigation activities.

Kwikset Corporation/Emhart Industries, Inc./Black & Decker (former West Coast Loading Corporation)

Pursuant to a 13267 Investigation Order, a work plan for a perchlorate investigation at the former West Coast Loading Corporation (WCLC) facility was due from Emhart Industries, Inc. on November 22, 2002. Emhart/Black & Decker submitted a Petition for Stay and for State Board Review of the 13267 Order. The State Board dismissed the Stay request on December 18, 2002. The State Board dismissed the Petition for Review on July 7, 2003.

On August 6, 2003, Emhart filed a Petition for Writ of Mandate in the State Superior Court, Riverside County, seeking an order to invalidate the Executive Officer's 13267 Investigation Order. A scheduling conference was held in Riverside Superior Court on March 25, 2004, regarding the Emhart petition. The Emhart petition is scheduled to be heard by Judge Tranbarger on July 30, 2004.

In addition, the Kwikset Corporation filed a Petition for Writ of Mandate related to the Board's rescission of the cleanup and abatement order. Judge Tranbarger issued a formal decision on March 8, 2004, denying Kwikset's petition for a Writ of Mandate. The judge granted Kwikset's motion to augment portions of the Administrative Record for the Kwikset case, but denied the Regional Board's petition to augment the Administrative Record.

U.S. Department of Defense/Army Corps of Engineers (former Rialto Ammunition Back-up Storage Point – RASP)

On April 28, 2004, the US ACE held a meeting of staff representatives from Regional Boards statewide, and SWRCB staff, and presented a prioritized list of formerly used defense sites (FUDS) throughout California that have been targeted for perchlorate investigation. Three sites were selected in the Santa Ana Region. However, the RASP facility was not one of the selected sites. Regional Board staff will address this matter in an upcoming meeting with US ACE staff.

Cleanup and Abatement Account Update

In October 2002, the Board adopted a resolution directing the Executive Officer to submit a request to the State Board for \$3 million in Cleanup and Abatement funds (distributing \$750,000 to each of the four water purveyors) to assist the four water purveyors with their wellhead treatment projects. The Executive Officer submitted the request, and the State Board subsequently approved the request. Each of the four water purveyors has now received their \$750,000 from the Cleanup and Abatement Account, with the exception of West Valley Water District, which has received \$732,000 and expects to receive their remaining \$18,000 by mid-June. In April 2003, the Board adopted a second resolution directing the Executive Officer to submit a request to the State Board for an additional \$2 million in Cleanup and Abatement funds (distributing \$500,000 to each of the four water purveyors). The Executive Officer submitted the request, but the request is still pending at the State Board due to the lack of uncommitted funds in the Cleanup and Abatement Account.

At the June 4, 2004 Board meeting, staff will provide information on any further developments, and will continue to update the Board at future meetings on the progress of the perchlorate investigation efforts.